

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:22-cv-00289-M-RN

SEAN B. MAYO,

Plaintiff,

v.

ROCKY MOUNT POLICE DEPARTMENT,
et al.,

Defendants.

ORDER

This matter comes before the court on Defendant Rocky Mount Police Department's motion to dismiss [DE 59]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert T. Numbers, II entered a memorandum and recommendation ("M&R") [DE 82], recommending that the court grant Defendant's motion. Plaintiff filed an objection on June 2, 2023 [DE 83], titled "Motion of Objection [to] [Rocky Mount Judicial Center] Community Correction[, Johnson[, and Parris['] Motion to Dismiss." The objection does not specifically note the portion of the M&R that the party objects to and the reasons for their objection.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, as here, the court reviews only

for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendant’s motion to dismiss [DE 59] is GRANTED.

SO ORDERED this 3^d day of July, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE